

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-00678-MOC-DSC**

LEE S. JOHNSON,

Plaintiff,

v.

**J.P. MORGAN CHASE NATIONAL
CORPORATE SERVICES, INC.,**

Defendant.

ORDER

THIS MATTER is before the Court on the pro se Plaintiff's "Motion for Default Judgment" (document #6) and "Motion for Leave to File Amended Complaint..." (document #12), and Defendant's "Motion to Dismiss" (document #7). This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1).

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that "leave [to amend the pleadings] shall be freely given where justice so requires." Fed.R.Civ.P. 15(a).

Defendant's Motion to Dismiss is premised on its contention that Plaintiff has sued the wrong entity. See Defendant's "Memorandum in Support ..." at 1-3 (document #8) (identifying Chase Home Finance, LLC). In his Motion for Leave to Amend, Plaintiff states that his Amended Complaint will name "additional Defendants." Document #12 at 1. Accordingly, Plaintiff's Motion for Leave to File Amended Complaint will be granted.

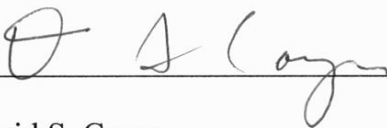
It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS HEREBY ORDERED that:

1. Plaintiff's "Motion for Leave to File Amended Complaint..." (document #12) is **GRANTED**. Plaintiff shall file his amended complaint within fifteen days of this Order.
2. Plaintiff's "Motion for Default Judgment" (document #6) and Defendant's "Motion to Dismiss" (document #7) are administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to the pro se Plaintiff; to defense counsel; and to the Honorable Max O. Cogburn, Jr..

SO ORDERED.

Signed: April 21, 2014



David S. Cayer
United States Magistrate Judge

